

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 110<sup>th</sup> Congress <sup>1</sup>**

[Date approved: May 16, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 4614 (Mr. Phil English of Pennsylvania).

**Proponent name,<sup>3</sup> location:** Air Products and Chemicals, Allentown, PA.

**Other bills on product (110<sup>th</sup> Congress only):** None.

**Nature of bill:** Extension of temporary duty suspension through December 31, 2011.

**Retroactive effect:** None.

**Suggested article description(s) for enactment (including appropriate HTS subheading(s)):**

Helium (CAS No. 7440-59-7) (provided for in subheading 2804.29.00).

**Check one:**  Same as that in bill as introduced.  
 Different from that in bill as introduced (see Technical comments section).

**Product information, including uses/applications and source(s) of imports:**

The subject product is an inert gas that is found in certain natural gas deposits, from which it is extracted and refined for commercial sale. Helium is used in cryogenic applications, for pressurizing and purging, for welding cover gas, for controlled atmospheres, for leak detection, in breathing mixtures, and for other uses. It is imported from Algeria<sup>4</sup> and Russia.<sup>5</sup>

**Estimated effect on customs revenue:**

<b>HTS subheading: 2804.29.00</b>					
	2009	2010	2011	2012	2013
<del>Col. 1-General rate of duty</del>	3.7%	3.7%	3.7%	3.7%	3.7%
Estimated value <i>dutiable</i> imports	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
Customs revenue loss <sup>1/</sup>	\$0	\$111,000	\$111,000	\$111,000	\$111,000

<sup>1/</sup> There is an existing duty suspension under HTS heading 9902.01.47 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill in 2009.

Source of estimated dutiable import data: U.S. industry estimates.

<sup>1</sup> Industry analyst preparing report: L. Johnson (202-205-3351); Tariff Affairs contact: D. Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://www.usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/](http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/).

<sup>3</sup> The sponsor/proponent did not identify any additional beneficiaries of this bill.

<sup>4</sup> Imports of the subject product from Algeria are eligible for duty-free treatment under the Generalized System of Preferences.

<sup>5</sup> Imports of the subject product from Russia are eligible for duty-free treatment under the Generalized System of Preferences.

**Contacts with domestic firms/organizations (including the proponent):**

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Air Products and Chemicals, Inc. (Proponent) Richard Goodstein, 610-659-1324	03/24/2008	Yes	No	No
Air Liquide Gary Ciesar, 713-402-2112	03/24/2008	No	No	No
BOC Gases Nick Haines, 908-508-4009	03/24/2008	No	No	No
Duke Energy Steve Cochran, 719-767-8791	03/24/2008	No	No	No
Exxon Corporation Kelly Geohagen, 713-656-3054	03/24/2008	No	No	No
Mathison Tri-Gas Robert Lien, 908-991-9262	03/24/2008	No	No	No
Midstream Energy David Wilkins, 918-388-6900	03/24/2008	No	No	No
Nathaniel Energy Kerry Stiff, 580-546-7558	03/24/2008	No	No	No
Praxair, Inc. Jane Hoffman, 203-837-2012	03/24/2008	No	No	No
Tom Brown, Inc. Todd Wescott, 435-686-7607	03/24/2008	No	No	No

**Technical comments:<sup>6</sup>**

The Commission staff suggests that the article description of heading 9902.01.47 be modified as shown on page 1 of this report in order to include the CAS number.

<sup>6</sup> The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

110TH CONGRESS  
1ST SESSION

# H. R. 4614

To extend the temporary suspension of duty on helium.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

Mr. ENGLISH of Pennsylvania introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To extend the temporary suspension of duty on helium.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. HELIUM.**

4 (a) IN GENERAL.—Heading 9902.01.47 of the Har-  
5 monized Tariff Schedule of the United States is amended  
6 by striking “12/31/2009” and inserting “12/31/2011”.

7 (b) EFFECTIVE DATE.—The amendment made by  
8 subsection (a) applies with respect to goods entered, or  
9 withdrawn from warehouse for consumption, on or after  
10 the 15th day after the date of the enactment of this Act.